



HINDS COUNTY SHERIFF'S OFFICE

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Victor Mason
Sheriff

March 4, 2019

Laura L. Cowall, Special Counsel
U.S. Department of Justice
Civil Rights Division
Special Litigation Section – PHB
950 Pennsylvania Ave., NW
Washington DC 20530

RE: *U.S. v. Hinds County*, Civ. Action No. 3:16-cv-489-CWR: CJG

Dear Counsel,

Pursuant to Paragraph 163 of the Consent Decree, this letter serves as the Hinds County Sheriff's Office's ("HCSO") response to the Department of Justice's (DOJ) Notice of Noncompliance sent on January 10, 2019, as well as the supplemental Notice sent on January 24, 2019. This letter will only address those issues that are within the HCSO's responsibilities and control.

I. Policies and Procedures

The first area of the DOJ's concern is the lack of policies and procedures for Detention Services. The original policies and procedures submitted to the DOJ was reflective of those accepted by the American Correctional Association and adopted by multiple neighboring counties in Mississippi. However, the policies and procedures were not reflective of the heightened requirements contained in the Consent Decree. Therefore, the County is working with Karen Albert to create policies and procedures that are in line with the Consent Decree. This has been a time-consuming process because the Policy and Procedure Committee is not only drafting policies, but operationalizing these policies and procedures as they go. Further, the process of submitting a draft policy to the DOJ, having numerous attorneys edit the policies, taking those edits into consideration and making the suggested changes has proven to be

laborious. However, the HCSO has fully adopted the following two policies and procedures:

- 6.100 – Pre Booking
- 6.200 – Booking

Please see the attached documents.

Finally, the HCSO is in the process of negotiating a contract with Karen Albert to assist in finishing all of the policies and procedures for Detention Services. As soon as those details are finalized, the HCSO will provide the DOJ with a timetable as to when the entire policies and procedures will be finished.

II. Staffing and Supervision

The second area of concern for the DOJ is that the County has not implemented an adequate staffing and supervision plan. Pursuant to the staffing study conducted by the County and the Monitor, the suggested number of employees for Detention Services is 433. This number is higher than the entire employee count for the HCSO as a whole and is not a number that Detention Services will ever attain. Simply put, it is not realistic to expect Detention Services to aspire to this number. This has been communicated to the District Judge by both the Monitor and counsel for both the County and the HCSO.

Last year, the HCSO took the recommended approach to quickly staff RDC, which resulted in an increase in Detention Officers to approximately 250. As a result of this effort to quickly staff the jail, many of the newly hired employees were not well-suited for a position in Detention Services, which yielded a significant staffing decrease. Now, Detention Services is taking the approach of recruiting quality employees, which has resulted in smaller graduating classes. However, it is more preferred to have quality employees with a steady rise in employment, rather than employees who are unqualified for the position and either resign or get terminated within a few months of being employed. The HCSO is hosting a Detention Officer Training Academy each month and has graduated an average of ten (10) officers per class.

In an effort to address the critical staffing shortage and the need for direct supervision at RDC, the entire C Pod has been closed down for renovations. These inmates were moved from C Pod to A and B Pod. This move resulted in additional detention officers being able to assist in A and B Pod. Additionally, this move allows maintenance to renovate the pod without having to be escorted by staff. When C Pod is fully renovated, it will only open as a direct supervision pod. It will have the recommended number of employees in each unit, as required by the Consent Decree. The plan is to shut down other pods in this fashion for renovations. In the meantime, Detention Services is working to fully staff the two functioning pods that using.

Further, the National Institute of Corrections will be on location March 25 – 29, 2019 for Direct Supervision Training. Approximately 15 personnel and staff will attend

this training. This essential training will have the effect of more staff understanding how to operationalize direct supervision, which will make them confident in the concept of direct supervision.

A. Classifications

The DOJ states that the County has no plan for how to transition to an objective classification and direct supervision facility. While it is true that the policies and procedures for direct supervision and classifications are in the process of being drafted, the entire population of RDC has been re-classified based on objective classification. During the week of February 12, 2019, Karen Albert was on sight, and she assisted Classifications in the re-classification process. The Objective Classification Assessment that was used is attached hereto.

III. Supervisor Qualifications and Personnel Decisions

Additionally, the DOJ states that the County has not taken any of its recommendations to improve staffing, and instead, has had a mass promotion of individuals without experience. The HCSO reviewed the Monitor's findings in the Sixth and Seventh Monitoring Report and is making efforts to address these concerns. Specifically, by April 1, 2019, Detention Services will institute twice-yearly employee assessments. This will ensure that each employee is qualified for his/her position and will aid in the implementation of the merit based step program that the HCSO will propose to the County during budget considerations for the next fiscal year.

Furthermore, each individual listed in the Sixth Monitoring Report will be re-assessed in order to place them in a position that best suits their skill-set. In addition to assessing these individuals, a major re-alignment of personnel at RDC will take place by April 1, 2019, which will ensure that all individuals in supervisory positions are qualified. This includes changes in the following positions:

- Assistant Jail Administrator;
- Captain at RDC;
- Administrative Lieutenant;
- Booking Sergeants; and
- Classification Sergeants.

This is not an exhaustive list of personnel changes. As previously mentioned, all employees in a supervisory role will be re-assessed.

Of course, the HCSO will work with Karen Albert to create policies and procedures to establish structured, professional personnel policies and hiring programs. Qualifications for promotions, as well as twice-yearly assessments will be included in these policies and procedures.

IV. Physical Plant Security and Safety

The DOJ observed that physical plant conditions at RDC have deteriorated significantly, and that there are inoperative security doors, broken lights, bad lighting, etc. While the HCSO does not control the maintenance schedule and maintenance funds allocated to Detention Services, it does recognize the need to fill the position of Fire Safety Inspector and assign duties to perform safety inspections and maintain maintenance spreadsheets to correct priority maintenance problems. These positions and responsibilities will be addressed by April 1, 2019, and the HCSO will update the Monitors and the DOJ as to the progress made.

V. Use of Force

Finally, the DOJ noted that the use of force at RDC has gone up since last year, especially with the use of pepper spray, electronic control devices, and new “less than lethal” shotguns. The HCSO agrees that this trend in use of force is alarming, and in an effort to remedy this problem, in-service training on use of force is being conducted monthly and will continue until all detention officers can attend. Thereafter, it will be conducted twice a year. Please see the attached roster for the classes held in January and February of this year. The topics covered in the in-service training include:

- Legal standards governing and limiting use of force in a corrections setting
- Applying basic skills regarding the approach factors, intervention options, and follow-through factors governing the proper use of force in a jail setting
- Applying skills for documentation of use of force and use of force reports
- Applying physical force and the proper use of force in a jail
- When force can and cannot be used
- Making decisions about when to use force and what level of force to use
- Applying restraints

The Training Captain has ensured that this training is given from a corrections standpoint, rather than a law enforcement standpoint. The Monitors have further stated that the use of force training that has been administered in the Detention Training Academy has been from a law enforcement standpoint. The HCSO disagrees with this assessment, as the curriculum taught is from the Standards and Training Division of the Mississippi Department of Safety, which specifically addresses use of force in correctional settings. Please see the curriculum attached.

Finally, the HCSO has hired a Training Lieutenant to assist in training our detention officers. Interviews were held based on advertisements internally and externally. Detention Officer Neal Knox was selected for the position and is the most qualified individual. His qualifications were discussed with the Monitors, and the Monitors agreed that he is the best-suited employee to take on this task. In addition to the new Training Lieutenant over Detention Services, Lieutenant Gloria Petty will obtain her teaching certificate to assist in the detention training aspect. Lt. Petty is the

lieutenant at the Jackson Detention Center and is very knowledgeable of detention operations and qualified to teach these issues.

Thank you for your attention to these matters. If there are any questions or concerns, please do not hesitate to contact my office.

Sincerely,

/s/ Claire Barker

Claire Barker
In-House Counsel
Hinds County Sheriff's Office

Cc: Elizabeth Simpson, Court Monitor; Pieter Teeuwissen, Hinds County Board Attorney; Anthony Simon, Hinds County Board Attorney; Synarus Green, Compliance Monitor